


U.S. Court's  
Rec'd Filed   
OCT 25 2004  
Cameron S. Burke  
Clerk, Idaho

1 **THOMAS E. MOSS**  
2 **UNITED STATES ATTORNEY**  
3 **RAFAEL M. GONZALEZ, JR.**  
4 **ASSISTANT UNITED STATES ATTORNEY**  
5 **DISTRICT OF IDAHO**  
6 **MK PLAZA, PLAZA IV**  
7 **800 PARK BOULEVARD, SUITE 600**  
8 **BOISE, IDAHO 83712-9903**  
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10 **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO**

11 **UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **vs.**

14 **JOSE REFUGIO SANCHEZ-MIRANDA,**

15 **Defendant.**

16 **Case No. CR 03-109-S- BLW**

17 **MOTION FOR DETENTION**

18 The United States, by and through Thomas E. Moss, United States Attorney for the  
19 District of Idaho, and Rafael M. Gonzalez, Jr., Assistant United States Attorney for the District of  
20 Idaho, moves the Court, pursuant to 18 U.S.C. § 5034 (*see also* 18 U.S.C. §§ 3142(a)(4) and  
21 3142(e)), for an order directing that a hearing be held for the purpose of holding defendant **Jose**  
22 **Refugio Sanchez-Miranda** without bail prior to trial.

23 ( ) Pursuant to Title 18 U.S.C. § 3142(f), the United States asks for a continuance of  
24 \_\_\_\_\_ days from the date of the defendant's first appearance before a judicial officer. The  
25 continuance is requested in order for an Assistant United States Attorney to prepare for the Detention  
26 Hearing, and arrange for witnesses;

27 The prosecution will introduce evidence as follows pursuant to the specific sections of  
28 Title 18, U.S.C., as indicated:

( ) § 3142(f)(1)(A) - a crime of violence;

( ) § 3142(f)(1)(B) - an offense for which the maximum sentence is life imprisonment or death;

☒ § 3142(f)(1)(C) - an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801, et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951, et seq.), or Section 1 of the Act of September 15, 1980 (21 U.S.C. § 955a);

( ) § 3142(f)(1)(D) - any felony committed after the person had been convicted of two or more prior offenses described in § 3142(f)(1)(A) through (C), or two or more State or local offenses that would have been offenses described in § 3142(f)(1)(A) through (C) if a circumstance giving rise to Federal jurisdiction had existed;

☒ § 3142(f)(2)(A) - a serious risk that the person will flee;

☒ § 3142(f)(2)(B) - a serious risk that the person will:

( ) obstruct or attempt to obstruct justice, or

( ) threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror; or

☒ otherwise pose a danger to any other person or the community.

DATED this 25<sup>th</sup> day of OCTOBER, 2004.

THOMAS E. MOSS  
United States Attorney  
By:

  
\_\_\_\_\_  
RAFAEL M. GONZALEZ, JR.  
Assistant United States Attorney

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